

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

CENTURY SURETY COMPANY,

Plaintiff,

v.

CV 2:22-103

DAVID W. HOLLAND, RHONDA A.
HOLLAND, BELINDA TROTMAN,
CHIQUITHA DOUGLAS, LATOYA
GILCHRIST, and SHAMEKA THOMAS,

Defendants.

ORDER

Plaintiff Century Surety Company initiated this action on October 5, 2022. See Dkt. No. 1. After filing an answer to the complaint, dkt. no. 12, Defendants David Holland and Rhonda Holland (the "Holland Defendants") moved for judgment on the pleadings, dkt. no. 22. Then, on April 3, 2023, Plaintiff filed an amended complaint with the consent of all Defendants. Dkt. Nos. 28, 28-1. For the reasons below, the Holland Defendants' motion for judgment on the pleadings is **DENIED as moot**.

LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within twenty-one days after service of a motion under Rule 12(b), (e), or (f). Fed. R. Civ. P. 15(a)(1)(B). "In all other cases, a party may

amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

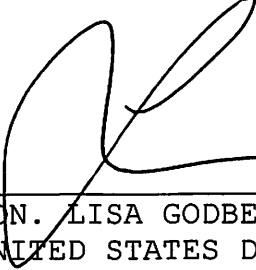
DISCUSSION

Pursuant to Rule 15(a)(2), Plaintiff requested and received all Defendants' written consent before filing its amended complaint. Dkt. No. 28-1. Thus, Plaintiff's amended complaint supersedes its original complaint. The Holland Defendants' motion for judgment on the pleadings, dkt. no. 22, which was directed at Plaintiff's original complaint, has thus been rendered moot. See Ray v. Bank of Am., N.A., No. 114CV02153ODEJFK, 2015 WL 11257487, at *2 (N.D. Ga. Jan. 13, 2015) (denying as moot motion for judgment on the pleadings in light of amended complaint becoming the operative pleading) (collecting cases). Should Defendants wish to renew their arguments with regard to the amended complaint, they are granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

The Holland Defendants' motion for judgment on the pleadings, dkt. no. 22, is **DENIED as moot**.

SO ORDERED, this 5 day of April, 2023.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA